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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Report of the Third Committee (Part IV)*

Rapporteur: Mrs. Mónica MARTINEZ (Ecuador)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Human rights questions: human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with sub-items 112 (b), (d) and (e) at its 33rd to 43rd meetings, from 12 to 14 and from 17 to 19 November 1997, and took up proposals relating to sub-item (c) at its 44th to 50th meetings, on 20 and 21 and from 24 to 26 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/52/SR.33-50).

3. For the documents before the Committee under this item, see A/52/644.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/52/L.63

4. At the 45th meeting, on 21 November, the representative of Sweden, on behalf of Andorra, Austria, Belgium, Bulgaria, Canada, the Czech Republic,

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* The report of the Committee on agenda item 112 will be issued in six parts, under the symbol A/52/644 and Add.1-5.

Estonia, Germany, Greece, Hungary, Iceland, Latvia, Lithuania, Monaco, Romania, San Marino, Slovakia, Spain, Sweden and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/52/L.63). Subsequently, Australia, Costa Rica, France, Israel, Italy, Liechtenstein, Luxembourg, New Zealand, Nicaragua, Poland, Portugal and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution, and the Committee was informed that Canada was not a sponsor.

5. In introducing the draft resolution, the representative of Sweden orally revised it as follows:

(a) In the tenth preambular paragraph, the word "Noting" was replaced by the word "Welcoming";

(b) In operative paragraph 4, the words "on 28 October 1997 in Mayangon township" were deleted;

(c) In operative paragraph 18, the words "the International Committee of the Red Cross" were replaced by the words "the international humanitarian organization".

6. At the 46th meeting, on 24 November, the representative of Sweden further orally revised the draft resolution by replacing the words "the international humanitarian organization" in operative paragraph 18 with the words "the competent international humanitarian organization".

7. Before the adoption of the draft resolution, statements were made by the representatives of Myanmar, the Russian Federation, Swaziland, the United States of America, Cuba, Sweden and China (see A/C.3/52/SR.46).

8. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.63, as orally revised, without a vote (see para. 44, draft resolution I).

9. After the adoption of the draft resolution, statements were made by the representatives of Canada, the Netherlands, Singapore and Japan (see A/C.3/52/SR.46).

B. Draft resolution A/C.3/52/L.54

10. At the 44th meeting, on 20 November, the representative of Venezuela, on behalf of Andorra, Antigua and Barbuda, Argentina, Austria, the Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Mexico, Monaco, the Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Spain, Sweden, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela, introduced a draft resolution entitled "Human rights in Haiti" (A/C.3/52/L.54). Subsequently, Australia and Iceland

joined in sponsoring the draft resolution, and the Committee was informed that Jamaica was not a sponsor.

11. At its 47th meeting, on 25 November, the Committee adopted draft resolution A/C.3/52/L.54 without a vote (see para. 44, draft resolution II).

12. After the adoption of the draft resolution, the representative of Haiti made a statement (see A/C.3/52/SR.47).

C. Draft resolution A/C.3/52/L.61

13. At the 45th meeting, on 21 November, the representative of Albania, on behalf of Afghanistan, Albania, Andorra, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Croatia, Djibouti, Jordan, Kuwait, Kyrgyzstan, Malaysia, Morocco, Pakistan, Qatar, San Marino, Saudi Arabia, Turkey, the United Arab Emirates and the United States of America, introduced a draft resolution entitled "Situation of human rights in Kosovo" (A/C.3/52/L.61).

14. At its 47th meeting, on 25 November, the Committee adopted draft resolution A/C.3/52/L.61 by a recorded vote of 97 to 3, with 47 abstentions (see para. 44, draft resolution III). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Brazil, Brunei Darussalam, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: India, Israel, Russian Federation.

Abstaining: Angola, Belarus, Bhutan, Botswana, Bulgaria, Burkina Faso, Cameroon, China, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Eritrea, Ethiopia, Fiji, Guinea, Guinea-Bissau, Guyana, Jamaica, Kenya, Lao People's Democratic Republic, Malawi, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Panama, Peru, Philippines, Republic of Moldova, Romania, Sierra Leone, Singapore, Slovakia, Suriname,

Swaziland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

15. Before the adoption of the draft resolution, statements were made by the representatives of Luxembourg (on behalf of the States Members of the United Nations that are members of the European Union), Yemen and the Russian Federation; after the adoption of the draft resolution, statements were made by the representatives of Peru, Bulgaria and Venezuela (see A/C.3/52/SR.47).

D. Draft resolution A/C.3/52/L.62

16. At the 46th meeting, on 24 November, the representative of the United States of America, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, Norway, Poland, Romania, Slovakia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, subsequently joined by Portugal, introduced a draft resolution entitled "Situation of human rights in the Sudan" (A/C.3/52/L.62).

17. At its 47th meeting, on 25 November, the Committee adopted draft resolution A/C.3/52/L.62 by a recorded vote of 91 to 15, with 43 abstentions (see para. 44, draft resolution IV). The voting was as follows:

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Zimbabwe.

Against: Afghanistan, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Myanmar, Nigeria, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Algeria, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Egypt, Fiji, Ghana, Guinea, Guinea-Bissau, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Malaysia, Maldives, Mauritania, Morocco, Mozambique, Nepal, Niger, Oman, Panama, Papua New Guinea, Philippines, Republic of Korea, Senegal, Sierra Leone, Singapore, Suriname, Swaziland, Thailand, Togo, Tunisia, Turkmenistan, United Arab Emirates, Zambia.

18. Before the adoption of the draft resolution, statements were made by the representatives of the Sudan, Turkmenistan and Egypt; after the adoption of the draft resolution, a statement was made by the representative of the Sudan (see A/C.3/52/SR.47).

E. Draft resolution A/C.3/52/L.71

19. At the 46th meeting, on 24 November, the representative of Luxembourg, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Liechtenstein, Lithuania, Luxembourg, the Marshall Islands, Monaco, the Netherlands, Norway, Poland, Portugal, San Marino, Slovakia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in Iraq" (A/C.3/52/L.71). Subsequently, Bulgaria and the United States of America joined in sponsoring the draft resolution.

20. At its 47th meeting, on 25 November, the Committee adopted draft resolution A/C.3/52/L.71 by a recorded vote of 94 to 2, with 51 abstentions (see para. 44, draft resolution V). The voting was as follows:

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Niger, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya, Sudan.

Abstaining: Algeria, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Fiji, Ghana, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Liberia, Malaysia, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Pakistan, Panama, Papua New Guinea, Philippines, Sierra Leone, Singapore, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

21. Before the adoption of the draft resolution, a statement was made by the representative of Iraq; after the adoption of the draft resolution, statements were made by the representatives of Egypt and the Syrian Arab Republic (see A/C.3/52/SR.47).

F. Draft resolution A/C.3/52/L.72

22. At the 46th meeting, on 24 November, the representative of Luxembourg, on behalf of Andorra, Australia, Austria, Belgium, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Lithuania, Luxembourg, the Marshall Islands, Monaco, the Netherlands, Norway, Poland, Portugal, San Marino, Slovakia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, subsequently joined by Bulgaria, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/52/L.72).

23. At its 47th meeting, on 25 November, the Committee adopted draft resolution A/C.3/52/L.72 by a recorded vote of 68 to 27, with 49 abstentions (see para. 44, draft resolution VI). The voting was as follows:

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of

Korea, Ghana, India, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Myanmar, Nigeria, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Albania, Angola, Bahrain, Belarus, Benin, Bhutan, Burkina Faso, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Cyprus, Egypt, Eritrea, Fiji, Guatemala, Guinea, Guinea-Bissau, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Mauritania, Mozambique, Namibia, Nepal, Nicaragua, Panama, Papua New Guinea, Republic of Korea, Republic of Moldova, Senegal, Singapore, South Africa, Suriname, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

24. Before the adoption of the draft resolution, statements were made by the representatives of the Islamic Republic of Iran, Egypt, Algeria, Bahrain, the United Arab Emirates, Singapore, Jordan, the Sudan, Mauritania, Lebanon, Qatar and Morocco; after the adoption of the draft resolution, a statement was made by the representative of Japan (see A/C.3/52/SR.47).

G. Draft resolution A/C.3/52/L.73

25. At the 46th meeting, on 24 November, the representative of the United States of America, on behalf of Albania, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Marshall Islands, Monaco, the Netherlands, Nicaragua, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uzbekistan, introduced a draft resolution entitled "Situation of human rights in Cuba" (A/C.3/52/L.73).

26. At the same meeting, the representative of Cuba made a statement (see A/C.3/52/SR.46).

27. At its 47th meeting, on 25 November, the Committee adopted draft resolution A/C.3/52/L.73 by a recorded vote of 60 to 23, with 64 abstentions (see para. 44, draft resolution VII). The voting was as follows:[1]

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Kyrgyzstan, Latvia,

[1] The delegations of the Dominican Republic and the Niger subsequently indicated that they had intended to abstain and the delegation of Papua New Guinea indicated that it had intended to vote against.

Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against: Angola, Belarus, China, Cuba, Democratic People's Republic of Korea, Ghana, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Namibia, Niger, Nigeria, South Africa, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstaining: Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Cyprus, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Liberia, Malawi, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Oman, Pakistan, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, Venezuela.

28. Before the adoption of the draft resolution, statements were made by the representatives of Cuba and the Russian Federation; after the adoption of the draft resolution, the representative of Mexico made a statement (see A/C.3/52/SR.47).

H. Draft resolution A/C.3/52/L.70

29. At the 47th meeting, on 25 November, the representative of Luxembourg, on behalf of Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, the Marshall Islands, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Nigeria" (A/C.3/52/L.70).

30. In introducing the draft resolution, the representative of Luxembourg orally revised it as follows:

(a) The fifth preambular paragraph, which had read:

> "Noting that the Commonwealth has concluded that there has been no real progress on human rights and the restoration of democracy and has therefore decided to renew Nigeria's suspension from the Commonwealth",

was replaced by:

> "Noting that the Commonwealth has been concerned about the continued existence of a military government and the failure to observe fundamental human rights and has decided that Nigeria should remain suspended from the Commonwealth",

(b) In operative paragraph 3 (d), the words "and to permit an observer presence during transition, as recommended by the United Nations fact-finding mission" were added at the end of the paragraph.

31. At its 48th meeting, on 26 November, the Committee adopted draft resolution A/C.3/52/L.70, as orally revised, by a recorded vote of 79 to 15, with 56 abstentions (see para. 44, draft resolution VIII). The voting was as follows:[2]

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zimbabwe.

Against: Benin, China, Cuba, Democratic People's Republic of Korea, Ghana, Iran (Islamic Republic of), Liberia, Libyan Arab Jamahiriya, Myanmar, Niger, Nigeria, Sierra Leone, Sudan, Syrian Arab Republic, Togo.

Abstaining: Angola, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Guinea, Guinea-Bissau, India,

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[2] The delegation of Algeria subsequently indicated that it had intended to abstain.

Indonesia, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Namibia, Nepal, Pakistan, Panama, Papua New Guinea, Philippines, Qatar, St. Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

32. Before the adoption of the draft resolution, statements were made by the representatives of Nigeria and the Niger (see A/C.3/52/SR.48).

I. Draft resolution A/C.3/52/L.75

33. At its 48th meeting, on 26 November, the Committee had before it a draft resolution entitled "Situation of human rights in Afghanistan" (A/C.3/52/L.75), submitted by the Chairman.

34. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.75 without a vote (see para. 44, draft resolution IX).

J. Draft resolution A/C.3/52/L.65

35. At the 46th meeting, on 24 November, the representative of Canada, on behalf of Canada, Ethiopia and Rwanda, introduced a draft resolution entitled "Situation of human rights in Rwanda" (A/C.3/52/L.65), which read:

"The General Assembly,

"Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Prevention and Punishment of the Crime of Genocide[3] and other applicable standards of human rights and humanitarian law,

"Recalling its resolution 51/114 of 12 December 1996 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1997/66 of 16 April 1997,[4]

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 260 A (III).

[4] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

"Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice,

"Recalling that respect for human rights and fundamental freedoms is embodied in the Rwandan Constitution as amended by the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993, and that a strengthened human rights component is indispensable for national reconciliation and reconstruction,

"Expressing its grave concern at the deterioration of the security situation in some communes of western Rwanda due to the infiltration of criminal elements of the former government and militia which committed the act of genocide in Rwanda in 1994,

"1. Welcomes with appreciation the appointment of Mrs. Mary Robinson as United Nations High Commissioner for Human Rights and her statement of 14 November 1997 to the Third Committee of the General Assembly regarding the role of the High Commissioner;

"2. Reiterates its strong condemnation of genocide as a crime against humanity and all other violations of human rights that were perpetrated in Rwanda in 1994, and expresses its concern at the alleged continuation of human rights violations in Rwanda;

"3. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

"4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations, and that the international community must exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice, in accordance with international principles of due process;

"5. Remains deeply concerned at the continued suffering experienced by the survivors of the genocide and massacres, especially by the most

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[1] See A/48/824-S/26915, annex I; see Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993, document S/26915.

vulnerable persons, and urges the Government of Rwanda and the international community to provide them with the necessary assistance;

"6. Takes note of the recommendations made in the report on the situation of human rights in Rwanda,* of the Special Representative on Rwanda of the Commission on Human Rights, in particular that there is a need for greater coordination in the provision of human rights programmes and technical assistance in Rwanda, and that the proposed Rwandan human rights commission should play a key role in coordinating human rights assistance in the country;

"7. Welcomes the restructuring of the judicial system and the start of prosecution of those suspected of having committed the crime of genocide and the massacres in Rwanda;

"8. Also welcomes the improvement in prison conditions in Rwanda as referred to in the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda,* while remaining aware of the remaining challenges for further improvements, and affirms the need to expedite the provision of the dossiers of the detainees in accordance with Rwandan law;

"9. Expresses grave concern at the killings of civilians, including elderly women and children, during attacks on genocide survivors, witnesses and other innocent people by militias and insurgents opposed to the Government of Rwanda;

"10. Reaffirms that ending impunity for acts of genocide and violations of human rights and international humanitarian law is an essential step towards reconstruction and reconciliation in Rwanda;

"11. Calls upon States, bodies and agencies of the United Nations system and other international organizations to intensify their efforts to contribute further financial and technical support to efforts of the Government of Rwanda aimed at the resettlement of all the refugees and survivors of the 1994 genocide and massacres, as well as to the implementation of the national reconstruction and resettlement programme;

"12. Notes the commitment of the Government of Rwanda to investigating alleged judicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct these investigations promptly and with all due rigour;

"13. Invites the Special Rapporteur of the Commission on Human Rights on violence against women, who visited Rwanda during the month of October 1997 for the purpose of studying the issue of sexual violence, its consequences and its relationship to the ongoing work of the International

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* A/52/522, annex.

* A/52/486, annex, and Add.1 and Add.1/Rev.1.

Criminal Tribunal as well as to the work of the national tribunal, to submit accordingly a report thereon;

"14. Welcomes the ongoing trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements in the trial process that have taken place, and also welcomes the commitment of the Government of Rwanda to further strengthen fair trial guarantees and access to legal representation, which are of particular importance given that those found guilty may face the death penalty;

"15. Also welcomes the work of the Human Rights Field Operation in Rwanda, whose objectives were described in General Assembly resolution 50/200 of 22 December 1995 and the agreement signed between the Government of Rwanda and the human rights field office in Rwanda, and requests the United Nations High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Field Operation and to continue to cooperate and share information with the Special Representative on Rwanda of the Commission on Human Rights;

"16. Further welcomes the cooperation that the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Special Representative and the Human Rights Field Operation in Rwanda and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country and in accordance with the terms of the agreement signed between the Government of Rwanda and the Human Rights Field Operation in Rwanda;

"17. Encourages dialogue on human rights issues between the Field Operation and the appropriate authorities at the level of the commune and prefecture, and mutual confidence, thereby enabling the authorities in Rwanda to take immediate action on the findings of the Field Operation, to then be submitted to the relevant local authorities for comments and other appropriate action;

"18. Condemns in the strongest terms any acts of violence or intimidation against the staff of the United Nations or any other international staff serving in Rwanda, and pays tribute to the memory of those killed;

"19. Recommends that the international community take note of the fact that the presence of highly experienced and highly professional human rights field operation staff in Rwanda would contribute towards the establishment of the Rwandan human rights commission, and also recommends that, after consultation with the Government of Rwanda, its activities should aim at strengthening the capacity of Rwandans to deal with human rights and other related issues and that sufficient resources and logistic support should be provided for that purpose;

"20. Appeals to the international community to contribute further financial and technical support to the Government of Rwanda towards the strengthening of the Rwandan judicial system and the reconstruction of the human rights infrastructure;

"21. Calls upon all States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems, including through the regular budget of the United Nations;

"22. Requests the United Nations High Commissioner for Human Rights to report on the activities and findings of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-fourth session, and to the General Assembly at its fifty-third session."

36. At its 49th meeting, on 26 November, the Committee had before it a revised text of the draft resolution, submitted by Canada, on behalf of the sponsors of draft resolution A/C.3/52/L.65.

37. At the same meeting, the Committee, having agreed to suspend rule 56 of the rules of procedure, adopted the revised text of draft resolution A/C.3/52/L.65 without a vote (see para. 44, draft resolution IV).

38. Before the adoption of the revised draft resolution, statements were made by the representatives of Egypt, France, the Sudan, Spain, Algeria, China and Costa Rica; after the adoption of the revised draft resolution, a statement was made by the representative of the United States of America (see A/C.3/52/SR.49).

K. Draft resolution A/C.3/52/L.69 and Rev.1

39. At the 47th meeting, on 25 November, the representative of the United States of America, on behalf of Albania, Andorra, Australia, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Croatia, the Czech Republic, Finland, France, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Lithuania, Luxembourg, Monaco, Morocco, Pakistan, Portugal, San Marino, Slovenia, Spain, Sweden, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, subsequently joined by Austria, Norway and Poland, introduced a draft resolution entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/52/L.69), which read:

"The General Assembly,

"Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[3] the International Covenants on Human Rights,[4] and all other human rights instruments and instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949[10] for the protection of victims of war and the Additional Protocols thereto, of 1977,[11] as well as the principles and

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[10] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[11] Ibid., vol. 1125, Nos. 17512 and 17513.

commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their obligations under the human rights instruments to which they are party, and reaffirming also the obligation of all to respect international humanitarian law,

"Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

"Welcoming the entry into force and implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, initialled at Dayton, Ohio, on 21 November 1995, and signed by Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), representing also the Bosnian Serb party, in Paris on 14 December 1995 (collectively, the 'Peace Agreement'), which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights,

"Gravely concerned nonetheless at the continuing evidence of violations of human rights and fundamental freedoms taking place to varying degrees in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

"Expressing its concern for fostering democracy and the rule of law in the area, noting the recommendations made by the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe on the situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) and expressing its disappointment that those recommendations have not been followed,

"Calling attention to the reports and recommendations of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), including her most recent report of 17 October 1997[12] and especially the recommendations set forth therein,

"Recalling all relevant General Assembly resolutions, especially its resolution 51/116 of 12 December 1996, Commission on Human Rights resolution 1997/57 of 15 April 1997, as well as all relevant resolutions and presidential statements of the Security Council, especially resolution 1009 (1995) of 10 August 1995 and the statement of 20 October 1997 by the President of the Security Council,[13]

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[12] A/52/490, annex.

[13] S/PRST/1997/48.

"1. Calls for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, (the 'Peace Agreement') and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the 'Basic Agreement') by all parties to them;

"2. Expresses its serious concern about continuing human rights violations within Bosnia and Herzegovina and the delays in fully implementing the human rights provisions of the Peace Agreement;

"3. Condemns in the strongest terms the continued forcible expulsion of individuals from their homes in Bosnia and Herzegovina, and the practice of destroying the homes of those forcibly expelled, and calls for the immediate arrest and punishment of individuals engaged in these actions;

"4. Also condemns the continuing restrictions on freedom of movement, as noted by the Special Rapporteur in her report,[5] between the Republika Srpska and the Federation and urges all parties to guarantee the freedom of movement of returnees and residents of Bosnia and Herzegovina;

"5. Urges all parties in Bosnia and Herzegovina immediately to create conditions conducive to the safe and voluntary return of refugees and internally displaced persons to their pre-war homes, and calls upon all entities to repeal property laws which prevent pre-war residents from returning to their homes in accordance with Annex 7 of the Peace Agreement and to ensure the passage of non-discriminatory legislation as soon as possible;

"6. Encourages all parties in Bosnia and Herzegovina to cooperate with and support the work of the property commission to resolve outstanding property claims;

"7. Expresses concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and calls for the perpetrators of rape to be brought to justice while ensuring that victims and witnesses receive adequate assistance and protection;

"8. Urges all States and relevant organizations to continue to give serious consideration to the recommendations in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia, in particular the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, as well as the provision of protection, counselling and support to victims and witnesses;

"9. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychological and other assistance;

"10. Insists that all parties implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement, and that the parties in Bosnia and Herzegovina comply with the human rights provisions of their national Constitution;

"11. Calls upon all parties and States in the region to ensure that the promotion of human rights, including the fulfilment of their respective human rights obligations by the parties to the Peace Agreement, as well as the strengthening of national institutions, will be a central element in the new civilian structure implementing the Peace Agreement, as promised at the peace implementation meetings in London on 6 December 1996, and in Sintra, Portugal, on 30 May 1997;

"12. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake substantially greater efforts to institute democratic norms, especially in regard to the promotion and protection of free and independent media, and full respect for human rights and fundamental freedoms;

"13. Also calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure the speedy and consistent investigation of acts of discrimination and violence against refugees, and to ensure the arrest and punishment of those responsible for those acts;

"14. Further calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow for the return of Federal Republic of Yugoslavia (Serbia and Montenegro) citizens and refugees currently outside its territory;

"15. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate action to put an end to the repression of, and prevent violence against, non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials, and also to respect the rights of persons belonging to minority groups in the Sandjak and Vojvodina and of persons belonging to the Bulgarian minority;

"16. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the democratic process and to act immediately to allow, in conformity with the rule of law and international obligations, freedom of expression and assembly and full and free participation by all residents in Kosovo in the political, economic, social and cultural life of the region, particularly in the areas of education and health care, and to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation;

"17. Strongly urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation

and to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

"18. Calls upon the Government of the Republic of Croatia to undertake greater efforts to strengthen its adherence to democratic norms, especially in regard to the promotion and protection of free and independent media; and to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to assure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including those belonging to minorities, and their right to remain, leave or return in safety and dignity; and to enable the return of refugees, as agreed by the Government of the Republic of Croatia on 5 August 1997;

"19. Strongly condemns instances of harassment of displaced Serbs and reports of collusion or active participation in such acts by Croatian members of the Transitional Police Force of the Region of Eastern Slavonia, Baranja and Western Sirmium, and calls upon the Government of the Republic of Croatia to strengthen and to take continuing measures to end all forms of discrimination by Croatian authorities in the areas of employment, promotion, education, pensions and health care, among others;

"20. Welcomes the recent establishment by the Government of the Republic of Croatia of the national programme for the re-establishment of trust and calls for its full and prompt implementation;

"21. Insists that all authorities in Bosnia and Herzegovina cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, created under Annex 6 of the Peace Agreement, in particular by providing information and resource reports requested by the Human Rights Ombudsman and by participating in hearings before the Human Rights Chamber, and demands that the Republika Srpska cease its pattern of non-cooperation with the Commission;

"22. Calls upon the Commission on Human Rights for Bosnia and Herzegovina to intensify its activities concerning alleged or apparent violations of human rights, or alleged or apparent discrimination of any kind;

"23. Urges the parties to implement results of recent municipal elections, through the Constitution, without delay of councils in all municipalities of Bosnia and Herzegovina;

"24. Calls for the continuing implementation by the Republic of Croatia of a new general amnesty law, enacted on 20 September 1996 and intended in part to promote confidence on the part of the local Serb population;

"25. Welcomes the signing of cross-border agreements between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Croatia on 14 September 1997 and the easing of border crossing between Bosnia and Herzegovina and the Republic of Croatia;

"26. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake a consistent border regime with all neighbouring countries;

"27. Strongly urges the Government of the Republic of Croatia to allow the expeditious voluntary return of all refugees, including those from the Federal Republic of Yugoslavia (Serbia and Montenegro), and of displaced persons, and to undertake all appropriate measures to secure their safety and human rights, to resolve in the framework of the rule of law, in conformity with international standards, the issue of property rights, to make a sustained effort to ensure the provision of equal access to protection and to social and housing reconstruction assistance regardless of ethnicity, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

"28. Urgently calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993, including with respect to surrendering persons sought by the International Tribunal, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it, and urges all States to consider providing the Tribunal with legal and technical expertise not available to the organization, as provided for in General Assembly resolution 51/243 of 15 September 1997;

"29. Strongly condemns the continuing refusal of the authorities of the Republika Srpska and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to arrest and surrender indicted war criminals known to be present in their territories, as they have agreed to do;

"30. Welcomes with satisfaction the measures recently taken by the Government of the Republic of Croatia to facilitate the voluntary return of ten persons indicted by the International Tribunal, in accord with the Peace Agreement and welcomes in this regard the increased cooperation with the Tribunal by the Republic of Croatia and the central authorities of Bosnia and Herzegovina which have enacted implementing legislation and have transferred indictees to the Tribunal;

"31. Demands that the Government of Bosnia and Herzegovina, in particular the authorities of the Republika Srpska, and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) ensure full and free access, in accordance with applicable international law, to their

territories to all institutions concerned with the implementation of the present resolution, including non-governmental organizations;

"32. Welcomes the interim reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and commends the Special Rapporteur and the United Nations Human Rights Field Operation in the Former Yugoslavia for their continuing efforts;

"33. Urges all parties to implement fully the recommendations of the Special Rapporteur of the Commission on Human Rights;

"34. Calls upon the authorities of the States and entities within the mandate of the Special Rapporteur to cooperate with her and to provide her on a regular basis with information about the actions they are undertaking to implement her recommendations;

"35. Welcomes technical cooperation and assistance programmes planned by the Office of the United Nations High Commissioner for Human Rights in consultation with the Government of Croatia and calls upon the Office of the United Nations High Commissioner for Human Rights to initiate, at the earliest possible opportunity, projects emphasizing human rights training for professionals involved in law enforcement and the rule of law, as well as human rights education;

"36. Reaffirms, as recommended previously by the Special Rapporteur, that major reconstruction aid must be made conditional on demonstrated respect for human rights, and emphasizes in that context the necessity of cooperation with the International Tribunal, and welcomes in this regard the conclusions of the meeting of the Steering Board of the Peace Implementation Council and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996 and in Sintra, Portugal, on 30 May 1997;

"37. Welcomes the commitments of the international community for post-war reconstruction and development assistance, and encourages the expansion of this assistance, while noting that such assistance should be conditioned on full compliance by the parties with the agreements that have been made;

"38. Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the Organization of the Islamic Conference, the European Community Monitoring Mission and the United Nations High Commissioner for Human Rights in monitoring and strengthening respect for human rights and fundamental freedoms in Bosnia and Herzegovina and the region and welcomes the Republic of Croatia's adherence to and firm and formal commitment to abide by the European Convention for the Protection of Human Rights and Fundamental Freedoms and its additional protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Charter of Local Self-Government, the Framework Convention for the

Protection of National Minorities and the European Charter for Regional or Minority Languages;

"39. Calls for an immediate end to illegal and/or hidden detention by all parties, and requests that the Special Rapporteur investigate allegations of hidden detainees;

"40. Calls upon the parties to the Peace Agreement to take immediate steps to determine the identity, the whereabouts and the fate of missing persons, in particular near Srebrenica, Žepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the International Commission on Missing Persons in the Former Yugoslavia, other international humanitarian organizations and independent experts, the Special Rapporteur, the Working Group on the process for tracing persons unaccounted for, chaired by the International Committee of the Red Cross, and the Expert Group on Exhumation and Missing Persons, chaired by the High Representative, and stresses the importance of coordinating work in this area;

"41. Encourages all Governments to respond favourably to the appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, the Commission for Real Property Claims of Refugees and Displaced Persons for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the Office of the United Nations High Commissioner for Human Rights and other institutions of reconciliation, democracy and justice in the region;

"42. Encourages, inter alia, the Organization for Security and Cooperation in Europe, the Council of Europe, the Organization of the Islamic Conference, the European Community Monitoring Mission, the United Nations High Commissioner for Human Rights and other relevant international organizations to coordinate closely their efforts in the field of human rights, with a view to contributing to the implementation of the present resolution;

"43. Decides to continue its examination of this question at its fifty-third session under the item entitled 'Human rights questions'."

40. At its 49th meeting, on 26 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/52/L.69/Rev.1), submitted by the original sponsors of draft resolution A/C.3/52/L.69, subsequently joined by Austria, Bangladesh, Belgium, Canada, Denmark, Liechtenstein, Malaysia, the Netherlands, New Zealand, Norway and Poland.

41. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.69/Rev.1 by a recorded vote of 123 to 2, with 24 abstentions (see para. 44, draft resolution XI). The voting was as follows:

In favour: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh,

Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Belarus, Russian Federation.

Abstaining: Angola, Benin, Burkina Faso, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, India, Kenya, Lao People's Democratic Republic, Mali, Namibia, Nigeria, Philippines, Sierra Leone, Swaziland, Uganda, United Republic of Tanzania, Zimbabwe.

42. Before the adoption of the draft resolution, statements were made by the representatives of Egypt, Singapore, Jordan, Greece, Lebanon, Bahrain, the Islamic Republic of Iran, the Syrian Arab Republic, Saudi Arabia, Mauritania, Myanmar, the Sudan, the United Arab Emirates, Qatar, Senegal, Oman and the Democratic People's Republic of Korea; after the adoption of the draft resolution, statements were made by the representatives of the Libyan Arab Jamahiriya and the Russian Federation (see A/C.3/52/SR.49).

L. Draft decision

43. At its 50th meeting, on 27 November, on the proposal of the Chairman, the Committee adopted, without a vote, a draft decision by which the General Assembly would take note of the report of the Secretary-General on rape and abuse of women in the areas of armed conflict in the former Yugoslavia (A/52/497) (see para. 45).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

44. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[14] the International Covenants on Human Rights[15] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 51/117 of 12 December 1996,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,[16] in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of Commission on Human Rights resolution 1997/64 of 16 April 1997,[17] in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Noting with concern that the Government of Myanmar has not yet agreed to a visit by the Special Rapporteur,

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[14] Resolution 217 A (III).

[15] Resolution 2200 A (XXI), annex.

[16] See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

[17] Ibid., 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned at the travel and other restrictions placed on Aung San Suu Kyi and other political leaders and at continued arrests and harassment of members and supporters of the National League for Democracy, trade unionists and students for peacefully exercising their right to freedom of expression, assembly and association, at forced resignations of elected representatives and at the long closure of all universities and colleges following the student demonstrations in December 1996,

Recalling the withdrawal and subsequent exclusion from the National Convention of members of the National League for Democracy late in 1995,

Welcoming the contact between the Government of Myanmar and political parties, in particular the National League for Democracy, but regretting the failure of the Government of Myanmar to engage in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Gravely concerned at the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, killings of civilians, torture, arbitrary arrest and detention, deaths in custody, absence of due process of law, including trial of detainees in secrecy without proper legal representation, severe restrictions on freedom of opinion, expression, assembly and association, violations of freedom of movement, forced relocation, forced labour by children as well as adults, including portering for the military, abuse of women and children by government agents, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Recalling the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Recalling also the conclusion of ceasefire agreements between the Government of Myanmar and several ethnic groups,

Noting that the human rights situation in Myanmar has resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[11] and urges the Government of Myanmar to cooperate fully with the Special Rapporteur and to ensure his access to Myanmar, without preconditions, in order to allow him fully to discharge his mandate;

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[11] See A/52/484.

2. Also expresses its appreciation to the Secretary-General for his report;[15]

3. Deplores the continuing violations of human rights in Myanmar;

4. Notes that Nobel Peace Prize Laureate Aung San Suu Kyi was allowed to travel to the Thaketa township office of the National League for Democracy to conduct peacefully normal political activities on 21 October 1997, but subsequently was prevented from attending party meetings of the League, on 5 November 1997 in Tamwe township and on 13 November 1997 in Hlaing township, and requests the Government of Myanmar to permit unrestricted communication with and physical access to Aung San Suu Kyi and other political leaders by members and supporters of the League and to protect their physical well-being;

5. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

6. Urges the Government of Myanmar to pursue its contacts with the National League for Democracy with a view to engaging, at the earliest possible date, in a substantive political dialogue with the General Secretary of the League, Aung San Suu Kyi, and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

7. Welcomes the visits to Myanmar in the first half of 1997 by the Envoy of the Secretary-General and the Director of the East Asia and the Pacific Division of the Department of Political Affairs of the Secretariat for the purpose of discussions with the Government and with Aung San Suu Kyi and other political leaders, and further encourages the Government of Myanmar to broaden its dialogue with the Secretary-General and to facilitate access by his representative to the political leaders in Myanmar;

8. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely;

9. Welcomes the holding of the Ninth Anniversary Conference of the National League for Democracy on 27 and 28 September 1997;

10. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of the objectives of the Convention is to maintain the participation of the armed forces in a leading role in the future political life of the State, notes also with concern that the composition and working

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[15] A/52/587.

procedures of the National Convention do not permit the elected representatives of the people freely to express their views, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

11. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

12. Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to a fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations and to enforced disappearances and summary executions, and to fulfil its obligation to end the impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

13. Calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

14. Welcomes the accession by the Government of Myanmar on 22 July 1997 to the Convention on the Elimination of All Forms of Discrimination against Women;[20]

15. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights,[15] the International Covenant on Economic, Social and Cultural Rights[15] and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;[21]

16. Strongly urges the Government of Myanmar to fulfil its obligations with regard to the Convention on the Rights of the Child,[22] as set out in the concluding comments of the Committee on the Rights of the Child;

17. Also strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and encourages the Government of Myanmar to cooperate more closely with the International Labour Organization, in particular with the Commission of Inquiry

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[20] Resolution 34/180, annex.

[21] Resolution 39/46, annex.

[22] Resolution 44/25, annex.

appointed in accordance with article 26 of the Constitution of the International Labour Organization;

18. Stresses the importance for the Government of Myanmar to give particular attention to improving the conditions in the country's jails and to allow the competent international humanitarian organization to communicate freely and confidentially with prisoners;

19. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[23] to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law and to avail itself of such services as may be offered by impartial humanitarian bodies;

20. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

21. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in the implementation of the present resolution and to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session;

22. Decides to continue its consideration of this question at its fifty-third session.

DRAFT RESOLUTION II

Human rights in Haiti

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[24] and the International Covenants on Human Rights,[25]

Recalling its resolution 51/110 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/52 of 15 April 1997,[26]

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[23] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[24] Resolution 217 A (III).

[25] Resolution 2200 A (XXI), annex.

[26] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

Recognizing the interdependence and the mutual reinforcement between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Taking note of the reports of the independent expert of the Commission on Human Rights on the situation of human rights in Haiti, Mr. Adama Dieng,[27] who was appointed to assist the Government of Haiti to consider the development of the human rights situation in Haiti and to verify compliance by it with its obligations in that field, and the recommendations contained therein,

Welcoming and bearing in mind the report of the Secretary-General on the implementation of the programme of technical cooperation in Haiti,[28]

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the National Commission for Truth and Justice to the establishment of a climate of freedom and tolerance propitious to the respect for human rights and the restoration and spread of democracy in Haiti,

Welcoming the renewal by the General Assembly in its resolution 51/196 B of 31 July 1997 of the mandate of the International Civilian Mission to Haiti,

Welcoming also the efforts of the Government to improve the situation of human rights in Haiti, and noting the policy statements by Haitian authorities that the Government of Haiti remains committed to upholding human rights and improving accountability,

Expressing the hope that the Haitian people will shortly be able to express themselves once again through free, honest and transparent elections,

Expressing concern at the continuing problem of common crime, and noting the ongoing need for technical training of the Haitian National Police and for the strengthening of the judicial system,

1. Expresses its thanks to the Secretary-General and his Special Representative for Haiti and to the independent expert of the Commission on Human Rights on the situation of human rights in Haiti for their continuing efforts in favour of the consolidation of democratic institutions in Haiti and the respect of human rights in that country;

2. Welcomes the report of the National Commission for Truth and Justice, as well as the reports of the International Civilian Mission to Haiti on Haitian justice and on respect for human rights by the Haitian National Police, and urges the Government of Haiti to take appropriate follow-up action on the

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[27] E/CN.4/1997/89 and A/52/499.

[28] A/52/515.

recommendations contained in those reports, with the support of the international community;

3. Requests the Government of Haiti to publish the complete report of the National Commission for Truth and Justice and to make it widely available throughout the country, and to initiate legal action in serious cases;

4. Expresses concern at the security problems faced by Haitian society, which contribute to the shortcomings of the judicial system and the police apparatus, as noted in the reports of the independent expert;[27]

5. Supports the reform of the judicial system currently being carried out by the Government of Haiti, which includes training in international humanitarian law and human rights, and emphasizes the priority of that reform in the framework of the bilateral and multilateral assistance provided by the international community, including that of the United Nations Development Programme;

6. Welcomes the establishment of the programme of technical cooperation prepared by the Office of the United Nations High Commissioner for Human Rights aimed at strengthening institutional capacity in the field of human rights, in particular in the areas of legislative reform, training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of the programme to the General Assembly at its fifty-third session;

7. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the fragility of the political, social and economic situation of the country;

8. Encourages the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights,[29] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[30] and the Optional Protocols to the International Covenant on Civil and Political Rights;[31]

9. Invites once again the Special Rapporteur on violence against women to consider favourably the invitation to visit the country extended to him by the Government of Haiti;

10. Decides to continue its consideration of the situation of human rights and fundamental freedoms in Haiti at its fifty-third session.

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[29] See resolution 2200 A (XXI), annex.

[30] Resolution 39/46, annex.

[31] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

DRAFT RESOLUTION III

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[12] the International Covenants on Human Rights[13] and other human rights instruments,

Taking note with concern of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[14] which describe the continuing grave human rights situation in Kosovo,

Noting with regret that a memorandum of understanding on the education system in Kosovo signed in 1996 has not yet been implemented, and calling for full and immediate implementation of that memorandum,

Noting with concern the use of force by Serbian police against peaceful Kosovo Albanian student protesters on 1 October 1997, and the failure of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to make reasonable accommodation to address the legitimate grievances of the students,

1. Expresses its deep concern about all violations of human rights and fundamental freedoms in Kosovo, in particular the repression of the ethnic Albanian population and discrimination against it, as well as acts of violence in Kosovo;

2. Calls upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial, and the practice of torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(b) To release all political prisoners, and cease the persecution of political leaders and members of local human rights organizations;

(c) To allow the return in safety and dignity of Albanian refugees from Kosovo to their homes;

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[12] Resolution 217 A (III).

[13] Resolution 2200 A (XXI), annex.

[14] E/CN.4/1998/13, E/CN.4/1998/14 and E/CN.4/1998/15; see also A/52/490.

(d) To allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and to respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(e) To allow the reopening of the educational, cultural and scientific institutions of the ethnic Albanians;

3. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue constructive dialogue with the representatives of the ethnic Albanians of Kosovo;

4. Welcomes the visits to Kosovo of the Special Rapporteur of the Commission on Human Rights in the territory of the former Yugoslavia and her relevant reports,[14] and calls upon her to continue to monitor closely the human rights situation in Kosovo and to continue to pay due attention to that matter in her reporting;

5. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the mission of long duration of the Organization for Security and Cooperation in Europe to Kosovo, as called for in Security Council resolution 855 (1993) of 9 August 1993;

6. Welcomes the report of the Secretary-General on the situation of human rights in Kosovo,[15] submitted pursuant to General Assembly resolution 51/111 of 12 December 1996, and requests him to continue his efforts to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo, and to report thereon to the Assembly at its fifty-third session;

7. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, and to assist in the voluntary return of displaced persons to their homes in conditions of safety and dignity;

8. Emphasizes the importance of laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) being in accordance with the standards and principles of non-discrimination, equal protection before the law and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments;

9. Also emphasizes that improvements in the promotion and protection of human rights and fundamental freedoms in Kosovo will assist the Federal Republic

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[15] A/52/502.

of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community;

10. Decides to continue the examination of the situation of human rights in Kosovo at its fifty-third session under the item entitled "Human rights questions".

DRAFT RESOLUTION IV

Situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[36] the International Covenants on Human Rights,[37] the International Convention on the Elimination of All Forms of Racial Discrimination[38] and the Convention on the Rights of the Child,[39]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

Recalling the obligation of all parties to respect international humanitarian law,

Also recalling its resolution 51/112 of 12 December 1996, and taking note of Commission on Human Rights resolution 1997/59 of 15 April 1997,[40]

Noting with deep concern the human rights violations and breaches of international humanitarian law outlined in Commission on Human Rights resolution 1997/59, including the aerial bombardment of civilians, slavery, the slave trade, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, forced displacement of persons and systematic torture, and denial of the freedoms of religion, expression, association and peaceful assembly,

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[36] Resolution 217 A (III).

[37] Resolution 2200 A (XXI), annex.

[38] Resolution 2106 A (XX), annex.

[39] Resolution 44/25, annex.

[40] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

Expressing serious concern about continuing reports of religious persecution, including forced conversion of Christians and Animists in government-controlled areas of the Sudan,

Welcoming the visit to the Sudan by the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance,[41]

Especially concerned about the continuing reports of the abuse of children, including slavery, sexual abuse, forced conversion and the use of children as soldiers despite repeated calls from the international community to put an end to this practice, as described in the interim report of the Special Rapporteur on the situation of human rights in the Sudan,[42]

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Gravely concerned about reports that those practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged in previous General Assembly resolutions,

Welcoming new practices regarding street children which centre on rehabilitation and family reunification and the increasing involvement of the United Nations Children's Fund in projects with the Government of the Sudan,

Also welcoming the invitation extended by the Government of the Sudan to the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression and to the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, and urging that the visit to the Sudan by the Special Rapporteur take place as soon as possible,

Further welcoming the support extended by the Government of the Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights in December 1996,

Noting the establishment by the Government of the Sudan of national committees for human rights education, and encouraging the Office of the United Nations High Commissioner for Human Rights to take into consideration requests

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[41] See A/52/477.

[42] A/52/510.

for assistance by the Government of the Sudan, including assistance to help those committees to improve the observance of human rights in the Sudan,

Welcoming the establishment by the Consultative Council for Human Rights of subcommittees on detentions without trial, arrests, torture and lack of due process of law; religious persecution; forced displacement and bombardments; extrajudicial killings; access for relief organizations and humanitarian law; slavery and disappearances; the rights of women; the rights of the child; and freedom of expression and peaceful assembly,

Noting the long-overdue report by the Government of the Sudan on the summary execution of aid workers in Juba in 1992,[41] and regretting that it did not provide any evidence that a fair trial was given,

Also noting the work of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery,

Concerned that the continuation of civil war in the Sudan has caused the internal displacement of a large number of persons, including ethnic minorities, has resulted in the indiscriminate bombing and shelling of civilian targets, and has been marked by gross violations of human rights by the Government of the Sudan and lack of respect of international humanitarian law by all parties to the conflict,

Encouraged by the joint announcement by the Government of the Sudan and the Sudanese People's Liberation Movement that they are engaged in peace talks, scheduled to resume early in 1998 under the sponsorship of the Intergovernmental Authority on Development, and the acceptance by all parties of the Declaration of Principles as the basis for negotiation,

1. Expresses deep concern at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary executions; detentions without due process; violations of the rights of women and children; forced displacement of persons, enforced or involuntary disappearances; torture and other forms of cruel and unusual punishment; slavery, practices similar to slavery and forced labour; denial of the freedoms of expression, association and peaceful assembly; and discrimination based on religion;

2. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

3. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights,[37] the International Convention on the Elimination of All Forms of Racial Discrimination,[38] the

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[41] See A/52/510, paras. 41-46.

Convention on the Rights of the Child,[39] the Slavery Convention, as amended,[44] and the supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery,[45] to implement those instruments to which it is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

4. Encourages the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery to redouble its efforts to comply with previous General Assembly resolutions, in which the Assembly urged the Government of the Sudan to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated and all appropriate measures are implemented to put an immediate end to those practices;

5. Urges the Government of the Sudan to publicize the existence and activities of the Special Committee, to guarantee that those who provide information to it will not suffer any negative consequences as a result and to involve local authorities in its activities;

6. Urges the Government of the Sudan to provide adequate security for all special rapporteurs, and to live up to its pledge to provide logistical support to national, regional and international organizations that join the investigations of alleged cases of involuntary disappearance and slavery;

7. Urges the Government of the Sudan and all parties to the conflict to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where violations have been reported;

8. Continues to urge the placement of human rights monitors, within existing resources, in such locations as will facilitate improved information flow and assessment and independent verification of reports, with particular attention to violations and abuses of human rights in areas of armed conflict, as recommended by the Special Rapporteur on the situation of human rights in the Sudan;

9. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[46] and the Additional Protocols thereto, of 1977,[47] to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement,

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[44] United Nations, Treaty Series, vol. 212, No. 2861.

[45] Ibid., vol. 266, No. 3822.

[46] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[47] Ibid., vol. 1125, Nos. 17512 and 17513.

arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of landmines by government and rebel forces alike;

10. Again calls upon the Government of the Sudan and all parties to allow Operation Lifeline Sudan, international agencies, humanitarian organizations and donor Governments unimpeded access to civilian populations to deliver humanitarian assistance;

11. Expresses its hope that all parties to the civil war will negotiate seriously at the peace talks sponsored by the Intergovernmental Authority on Development when they resume at Nairobi early in 1998, in the view that an end to the civil war would be an important first step towards the elimination of human rights violations in the Sudan;

12. Urges the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them, and that such persons receive prompt, just and fair trials under internationally recognized standards;

13. Again urges Sudanese authorities to take all steps necessary to respect the human rights of persons belonging to the most vulnerable groups of the society, the women, children and ethnic and religious minorities living in the conflict zones, as recommended by the Special Rapporteur;

14. Calls for an immediate halt to the inhumane and unjustified practice of the aerial bombardment of civilian targets by the Government of the Sudan;

15. Welcomes the promise given by the Government of the Sudan to the Secretary-General's Special Envoy for Humanitarian Affairs to the Sudan to allow relief flights unimpeded access to people in need, and expresses its hope that such flights will now be permitted to take place without danger or obstacles;

16. Encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action[48] adopted by the Fourth World Conference on Women;

17. Welcomes the most recent visit by the Special Rapporteur and his interim report on the situation of human rights in the Sudan;[42]

18. Extends its full support to the Special Rapporteur, and encourages him to continue to pursue a broad dialogue with the Government of the Sudan and all other parties which he deems relevant to the situation of human rights in the

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[48] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. 96.IV.13), resolution 1, annexes I and II.

Sudan, with a view to addressing the concerns expressed in the relevant resolutions of the General Assembly and the Commission on Human Rights, and to visit the Sudan and travel in the Sudan, as necessary;

19. Also encourages visits to the Sudan by the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities, who have both been invited by the Government of the Sudan, and requests both to report to the Commission and to the General Assembly on their findings;

20. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur for an additional year;

21. Requests the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, within existing resources, in the discharge of his mandate;

22. Recommends the continued monitoring of the serious human rights situation in the Sudan, urges continuation of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights, at its fifty-fourth session, to give urgent attention to the situation of human rights in the Sudan;

23. Decides to continue its consideration of this question at its fifty-third session.

DRAFT RESOLUTION V

Situation of human rights in Iraq

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[49] the International Covenants on Human Rights[50] and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949[51] on the protection of victims of war,

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[49] Resolution 217 A (III).

[50] Resolution 2200 A (XXI), annex.

[51] United Nations, Treaty Series, vol. 75, Nos. 970-973.

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Commission on Human Rights resolution 1997/60 of 16 April 1997,[52]

Taking note of the concluding observations of the Human Rights Committee following the Committee's consideration of the fourth periodic report of Iraq[53] under the International Covenant on Civil and Political Rights,[50]

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687 (1991) of 3 April 1991 and 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, as well as Security Council resolutions 1111 (1997) of 4 June 1997 and 1129 (1997) of 12 September 1997,

1. Welcomes the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[54] and the observations, conclusions and recommendations contained therein, and noting that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns:

(a) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(c) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(d) Widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman

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[52] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[53] CCPR/C/103/Add.2.

[54] A/52/476.

punishment, namely mutilation, as a penalty for offences and diversion of medical care services for such mutilations;

3. Calls upon the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;[50]

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

(g) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose, and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(h) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkomen, the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(i) To put an end without delay to the enforced displacement of persons;

(j) To cooperate with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(k) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(l) To ensure equitable distribution without discrimination to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi oil, in implementation of Security Council resolutions 986 (1995), 1111 (1997) and 1129 (1997) and the memorandum of understanding with the Secretary-General of May 1996 on this issue, and to cooperate with international humanitarian agencies for the provision without discrimination of relief to those in need throughout Iraq;

(m) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

(n) To continue to cooperate in the implementation of Security Council resolutions 986 (1995) and 1111 (1997) and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

4. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

5. Decides to continue the examination of the situation of human rights in Iraq at its fifty-third session under the agenda item entitled 'Human rights questions', in the light of additional elements provided by the Commission on Human Rights.

DRAFT RESOLUTION VI

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[55] the International Covenants on Human Rights[56] and other applicable human rights instruments,

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[55] Resolution 217 A (III).

[56] Resolution 2200 A (XXI), annex.

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which is Commission on Human Rights resolution 1997/54 of 15 April 1997,[57]

1. Welcomes the report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran;[58]

2. Notes with interest that presidential elections were held in the Islamic Republic of Iran in 1997, and calls upon the Government to meet expectations for tangible progress concerning human rights and fundamental freedoms of all individuals;

3. Expresses its concern:

(a) At the continuing violations of human rights in the Islamic Republic of Iran, in particular the large and increasing number of executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, including stoning, amputation and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law;

(b) At the grave breaches of the human rights of the Baha'is, the discrimination against members of other religious minorities, including Christians, and the death sentences pronounced against Dhabihullah Mahrami, Musa Talibi and Ramadan-Ali Dhulfaqari on the charge of apostasy, and against Bihnam Mithaqi and Kayvan Khalajabadi because of their beliefs;

(c) At the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights;

(d) At the continuing threats to the life of Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, and deeply regrets the increase announced in the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation;

(e) At violations of the right to peaceful assembly and restrictions on the freedoms of expression, thought, opinion and the press, as well as at the harassment and intimidation of writers and journalists seeking to exercise their freedom of expression, the sentencing of the writer Faraj Sarkuhi being only the most recent example of such unacceptable practices;

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[57] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[58] A/52/472, annex.

(f) At the lack of full and equal enjoyment by women of human rights, while noting efforts to integrate women more fully into the political, economic and cultural life of the country;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To resume its cooperation with the mechanisms of the Commission on Human Rights, in particular with the Special Representative to allow him to continue his inquiry at first hand and to continue his dialogue with the Government;

(b) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

(c) To implement fully the conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians, until they are completely emancipated;

(d) To take effective measures to eliminate human rights violations against women, including all discrimination in law and in practice against them;

(e) To refrain from violence against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and prosecuting offences reported by them;

(f) To provide satisfactory written assurances that it does not support or incite threats to the life of Mr. Rushdie;

(g) To ensure that capital punishment will not be imposed for apostasy or non-violent crimes, or in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

5. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-third session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

DRAFT RESOLUTION VII

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the

United Nations and elaborated in the Universal Declaration of Human Rights[3] and other applicable human rights instruments,

Reaffirming also that all States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1997/62 of 16 April 1997,[4] in which the Commission commended the Special Rapporteur for his report[5] and his efforts to carry out his mandate, and extended his mandate for one year,

Expressing concern about continuing violations of human rights and fundamental freedoms in Cuba, as outlined in the interim report on the situation of human rights in Cuba submitted to the General Assembly by the Special Rapporteur,[6]

Deploring, in this regard, the arbitrary arrest, detention and harassment of Cuban citizens, in particular members of the Dissident Working Group and the independent press, for peacefully seeking to exercise their civil and political rights,

Recalling the continued refusal of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolutions 1992/61 of 3 March 1992, 1993/63 of 10 March 1993, 1994/71 of 9 March 1994, 1995/66 of 7 March 1995, 1996/69 of 23 April 1996 and 1997/62, including its repeated opposition to a visit to Cuba by the Special Rapporteur,

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba;

2. Expresses its full support for the work of the Special Rapporteur;

3. Calls once more upon the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous violations of human rights and fundamental freedoms in Cuba, as described in the report of the Special Rapporteur to the Commission on Human Rights[5] and in his interim report;[6]

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[3] Resolution 217 A (III).

[4] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[5] E/CN.4/1997/53.

[6] A/52/479, annex.

5. Urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur, who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

7. Calls upon the Government of Cuba to carry out the recommendations contained in the interim report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms in Cuba into conformity with international standards and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to its prisons to non-governmental humanitarian organizations and international humanitarian agencies;

8. Decides to continue its consideration of this question at its fifty-third session.

DRAFT RESOLUTION VIII

Situation of human rights in Nigeria

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[63] the International Covenants on Human Rights[64] and other applicable human rights instruments,

Recalling that Nigeria is a party to, inter alia, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination[65] and the Convention on the Rights of the Child,[66]

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[63] Resolution 217 A (III).

[64] Resolution 2200 A (XXI), annex.

[65] Resolution 2106 A (XX), annex.

[66] Resolution 44/25, annex.

Recalling previous resolutions of the General Assembly and the Commission on Human Rights,

Welcoming the positive contribution which Nigeria has recently been making through the Economic Community of West African States in support of democratic government within the West African region, and expressing the hope that this reflects a determination to pursue the same aim in its domestic policies,

Noting that the Commonwealth has been concerned about the continued existence of a military government and the failure to observe fundamental human rights and has decided that Nigeria should remain suspended from the Commonwealth,

1. Welcomes:

(a) The declared commitment of the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity by 1 October 1998, recalling in this regard the declaration by the Government of 1 October 1995 which the Government recently confirmed;

(b) The decision of the Commission on Human Rights to appoint a Special Rapporteur on the situation of human rights in Nigeria;[67]

(c) The note by the Secretary-General[68] concerning the discharge of his good offices mandate, and requests him, in cooperation with the Commonwealth, to continue to undertake further discussion with the Government of Nigeria and to report on progress in the implementation of the present resolution and on the possibilities for the international community to offer practical assistance to Nigeria to achieve the restoration of democratic rule and the full enjoyment of human rights;

2. Expresses its deep concern:

(a) At continuing grave violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

(c) That additional persons among those detained in Nigeria are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

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[67] Commission resolution 1997/53; see Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[68] A/52/688.

(d) At the lack of preparatory steps by the Government of Nigeria to secure the reinstallation of a representative government following elections characterized by genuine popular participation in a multi-party context;

(e) At the past refusal of the Government of Nigeria to cooperate with the Commission on Human Rights and its mechanisms;

3. Calls upon the Government of Nigeria:

(a) To ensure urgently the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners including those detained in connection with the 1993 presidential elections, among them Chief M. K. O. Abiola, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention and by guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities;

(b) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(c) To abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria;[69]

(d) To take concrete and credible steps to restore democratic government without delay, to end rule by decree and to permit an observer presence during transition, as recommended by the United Nations fact-finding mission;

(e) To ensure the independence of the National Human Rights Commission, including in its investigations of human rights abuses;

(f) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the mission sent to Nigeria by the Secretary-General;

(g) To implement its obligations under the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, while noting the special paragraph in the report of the International Labour Conference Committee of Experts on the Application of Conventions and Recommendations, as adopted by the International Labour Conference at its 85th session on Nigeria's failure to comply with that Convention;

(h) To cooperate fully with the Commission on Human Rights and its mechanisms;

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[69] CCPR/C/79/Add.65.

4. Decides to consider this question at its fifty-third session under the item entitled "Human rights questions".

DRAFT RESOLUTION IX

Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[70] the International Covenants on Human Rights,[71] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[72] and the Additional Protocols thereto, of 1977,[73]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[74] the International Covenant on Civil and Political Rights,[71] the International Covenant on Economic, Social and Cultural Rights,[71] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[75] and the Convention on the Rights of the Child,[76] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[77]

Recalling all its relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Recalling the deep concern expressed by the Security Council at the continuing discrimination against girls and women and other violations of human rights, as well as violations of international humanitarian law in Afghanistan,[78]

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[70] Resolution 217 A (III).

[71] Resolution 2200 A (XXI), annex.

[72] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[73] Ibid., vol. 1125, Nos. 17512 and 17513.

[74] Resolution 260 A (III).

[75] Resolution 39/46, annex.

[76] Resolution 44/25, annex.

[77] Resolution 34/180, annex.

[78] S/PRST/1997/35.

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with all the Afghan parties,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[19] and of the conclusions and recommendations contained therein;

2. Takes note with deep concern of the intensification of armed hostilities in Afghanistan, which have resulted in the destruction of houses and in forced evictions, including on the ground of ethnicity, and calls upon all parties involved immediately to cease such hostilities and to engage in a political dialogue aimed at achieving national reconciliation and the voluntary return of displaced persons to their homes in safety and dignity;

3. Also takes note with deep concern of the ongoing further deterioration of the situation of human rights in Afghanistan, including the situation of women, as reported by the Special Rapporteur, and condemns the violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement;

4. Expresses in particular its deep concern at the frequent practice of arbitrary arrest and detention and summary trials throughout the country, which have resulted in summary executions, as well as the application of forms of punishment prohibited under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

5. Calls upon all the Afghan parties to fully respect all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

6. Urges all the Afghan parties to bring an end without delay to discrimination on the basis of gender and the deprivation of human rights of women, and in particular to take measures to ensure:

(a) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(b) Respect for the right of women to work, and their reintegration in employment;

(c) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(d) Respect for the right of women to security of person, and to ensure that those responsible for physical attacks on women are brought to justice;

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[19] A/52/493, annex.

(e) Respect for freedom of movement of women and their effective access to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;

(f) Equal access of women to health facilities;

7. Urges all the Afghan parties to work closely and cooperate with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic Government elected through free and fair elections, based on the right to self-determination of the people of Afghanistan;

8. Urges all the Afghan parties to ensure that United Nations programmes are carried out without discrimination against women as participants or as beneficiaries;

9. Demands that all the Afghan parties fulfil their obligations and commitments regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as of their premises in Afghanistan, and that they cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies;

10. Urges all the Afghan parties to provide efficient and effective remedies to the victims of grave violations of human rights and of accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

11. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to strengthen their mutual consultation and cooperation;

12. Urges all the Afghan parties to respect fully international humanitarian law and to protect civilians, to halt the use of weapons against the civilian population, to refrain from storing munitions in residential areas, to prohibit the drafting and recruitment of children as para-combatants, to ensure their reintegration into society and to stop the practice of using people as human shields;

13. Invites all the Afghan parties to support the International Committee of the Red Cross, in particular by providing access to all prisoners, and to release all non-criminal civilian prisoners;

14. Expresses its deep concern at the report that, despite continuing demining programmes by the international community, new landmines have been laid, and appeals to all parties to stop deploying such devices, which kill or maim hundreds of people every week, mostly innocent and defenceless civilians, especially children;

15. Urges all States to respect the full national unity, sovereignty and territorial integrity of Afghanistan;

16. Appeals to Member States and to the international community to provide, on a non-discriminatory basis, adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in neighbouring countries pending, and with a view to encouraging, their voluntary repatriation, and requests all the parties in Afghanistan to lift the restrictions imposed on the international aid community and allow the free transit of food and medical supplies to all populations of the country;

17. Expresses its deep concern at reports of the deterioration of the Afghanistan cultural heritage and notes that all the parties share the historical responsibility to protect and safeguard this common heritage, and requests Member States to take appropriate measures to prevent the looting of cultural artifacts and ensure their return to Afghanistan;

18. Urges all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur;

19. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

20. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-third session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION X

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the International Bill of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide[a] and other applicable human rights and humanitarian law standards,

Recalling its resolution 51/114 of 12 December 1996 and relevant previous resolutions, and taking note of Commission on Human Rights resolution 1997/66 of 16 April 1997,[b]

Reaffirming that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda, and

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[a] Resolution 260 A (III).

[b] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

that a strengthened human rights component is indispensable to national reconciliation and reconstruction in Rwanda,

1. Takes note of the reports of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[50] and the report of the Special Representative on Rwanda of the Commission on Human Rights;[51]

2. Reiterates its strong condemnation of the crime of genocide and the crimes against humanity which were perpetrated in Rwanda in 1994, and expresses its concern at the continuation of human rights violations and violations of international humanitarian law in Rwanda;

3. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, taking into account the obligations set forth in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the International Criminal Tribunal to the greatest extent possible;

4. Notes with interest the recommendations made in the report of the Special Representative of Rwanda, in particular that there is a need for greater coordination in the provision of human rights technical assistance;

5. Notes the commitment of the Government of Rwanda to investigating reports of extrajudicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct those investigations promptly and with all due rigour;

6. Welcomes the start of the trials of those suspected of genocide and crimes against humanity in Rwanda and the improvements that have been made in the trial process, and stresses the need for continued efforts by the Government of Rwanda to further strengthen fair trial guarantees and access to legal representation, which are of particular importance given that those found guilty may face the death penalty;

7. Affirms the urgent need to complete a dossier for every detainee with a view to identifying those who should be released immediately, early or conditionally, and for continued efforts by the Government of Rwanda, with the assistance of the international community, to bring about further improvements in conditions of detention;

8. Appeals to the international community to contribute further assistance to the Government of Rwanda in its efforts to strengthen Rwanda's

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[50] A/52/486, annex, and A/52/486/Add.1/Rev.1.

[51] A/52/522, annex.

judicial system, reconstruct human rights infrastructure, and build national capacity in the field of human rights;

9. Welcomes the work of the Human Rights Field Operation in Rwanda, whose objectives were described in General Assembly resolution 50/200 of 22 December 1995, and the agreement signed between the Government of Rwanda and the Field Operation;

10. Condemns in the strongest terms any acts of violence of intimidation against the staff of the United Nations or any other international staff serving in Rwanda, and pays tribute to the memory of those killed;

11. Encourages continued cooperation among the United Nations High Commissioner for Human Rights, the Special Representative and the Human Rights Field Operation in Rwanda and the Government of Rwanda;

12. Calls upon all States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems, including through the regular budget of the United Nations;

13. Requests the United Nations High Commissioner for Human Rights to report on the activities and findings of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-fourth session, and to the General Assembly at its fifty-third session.

DRAFT RESOLUTION XI

Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[a] the International Covenants on Human Rights,[b] and all other human rights instruments and instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949[c] on the protection of victims of war and the Additional Protocols thereto, of 1977,[d] as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

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[a] Resolution 217 A (III).

[b] Resolution 2200 A (XXI).

[c] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[d] Ibid., vol. 1125, Nos. 17512 and 17513.

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their obligations under the human rights instruments to which they are party, and reaffirming also the obligation of all to respect international humanitarian law,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

Welcoming the entry into force and implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively, the "Peace Agreement"), initialled at Dayton, Ohio, on 21 November 1995, and signed by Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), representing also the Bosnian Serb party, in Paris on 14 December 1995, which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights,

Gravely concerned nonetheless at the continuing evidence of violations of human rights and fundamental freedoms taking place to varying degrees in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

Expressing its concern for fostering democracy and the rule of law in the area, noting the recommendations made by the personal representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe on the situation in the Federal Republic of Yugoslavia (Serbia and Montenegro) and expressing its disappointment that those recommendations have not been followed,

Calling attention to the reports and recommendations of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), including her most recent report, of 17 October 1997,[88]

Recalling all relevant General Assembly resolutions, especially its resolution 51/116 of 12 December 1996, Commission on Human Rights resolution 1997/57 of 15 April [89] and all relevant resolutions and presidential statements of the Security Council, in particular resolution 1009 (1995) of 10 August 1995 and the statement of 20 October 1997 by the President of the Security Council,[90]

1. Calls for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, (the "Peace Agreement") and the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement") by all parties to them;

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[88] A/52/490, annex.

[89] See Official Records of the Economic and Social Council, 1997, Supplement No. 3 (E/1997/23), chap. II, sect. A.

[90] S/PRST/1997/48.

2. Expresses its serious concern about continuing human rights violations within Bosnia and Herzegovina and the delays in fully implementing the human rights provisions of the Peace Agreement;

3. Condemns in the strongest terms the continued forcible expulsion of individuals from their homes in Bosnia and Herzegovina, and the practice of destroying the homes of those forcibly expelled, and calls for the immediate arrest and punishment of individuals engaged in these actions;

4. Also condemns the continuing restrictions on freedom of movement, as noted by the Special Rapporteur in her report,[*] between the Republika Srpska and the Federation and urges all parties to guarantee the freedom of movement of returnees and residents of Bosnia and Herzegovina;

5. Urges all parties in Bosnia and Herzegovina immediately to create conditions conducive to the safe and voluntary return of refugees and internally displaced persons to their pre-war homes, and calls upon all entities to repeal property laws which prevent pre-war residents from returning to their homes in accordance with annex 7 to the Peace Agreement and to ensure the passage of non-discriminatory legislation as soon as possible;

6. Encourages all parties in Bosnia and Herzegovina to cooperate with and support the work of the property commission to resolve outstanding property claims;

7. Expresses concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and calls for the perpetrators of rape to be brought to justice while ensuring that victims and witnesses receive adequate assistance and protection;

8. Urges all States and relevant organizations to continue to give serious consideration to the recommendations in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, as well as the provision of protection, counselling and support to victims and witnesses;

9. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychological and other assistance;

10. Insists that all parties implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political

parties, and to ensure freedom of movement, and that the parties in Bosnia and Herzegovina comply with the human rights provisions of their national Constitution;

11. Calls upon all parties and States in the region to ensure that the promotion of human rights, including the fulfilment of their respective human rights obligations by the parties to the Peace Agreement, as well as the strengthening of national institutions, will be a central element in the new civilian structure implementing the Peace Agreement, as promised at the peace implementation meetings held in London on 6 December 1996 and in Sintra, Portugal, on 30 May 1997;

12. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake substantially greater efforts to institute democratic norms, especially in regard to the promotion and protection of free and independent media, and full respect for human rights and fundamental freedoms;

13. Also calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to ensure the speedy and consistent investigation of acts of discrimination and violence against refugees, and to ensure the arrest and punishment of those responsible for those acts;

14. Further calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow for the return of Federal Republic of Yugoslavia (Serbia and Montenegro) nationals and refugees currently outside its territory;

15. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate action to put an end to the repression of, and prevent violence against, non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials, and also to respect the rights of persons belonging to minority groups in the Sandjak and Vojvodina and of persons belonging to the Bulgarian minority and to allow the immediate, unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, Sandjak and Vojvodina, called for in Security Council resolution 855 (1993) of 9 August 1993;

16. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to respect the democratic process and to act immediately to allow freedom of expression and assembly and full and free participation by all residents in Kosovo in the political, economic, social and cultural life of the region, particularly in the areas of education and health care, and to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation;

17. Strongly urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

18. Calls upon the Government of the Republic of Croatia to undertake greater efforts to strengthen its adherence to democratic norms, especially in regard to the promotion and protection of free and independent media; and to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to ensure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including those belonging to minorities, and their right to remain, leave or return in safety and dignity; and to enable refugees to return, as agreed by the Government of the Republic of Croatia on 5 August 1997;

19. Strongly condemns instances of harassment of displaced Serbs and reports of collusion or active participation in such acts by Croatian members of the Transitional Police Force of the Region of Eastern Slavonia, Baranja and Western Sirmium, and calls upon the Government of the Republic of Croatia to strengthen and to take continuing measures to end all forms of discrimination by Croatian authorities in the areas of employment, promotion, education, pensions and health care, among others;

20. Welcomes the recent establishment by the Government of the Republic of Croatia of the national programme for the re-establishment of trust and calls for its full and prompt implementation;

21. Insists that all authorities in Bosnia and Herzegovina cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, created under annex 6 to the Peace Agreement, in particular by providing information and resource reports requested by the Human Rights Ombudsman and by participating in hearings before the Human Rights Chamber, and demands that the Republika Srpska cease its pattern of non-cooperation with the Commission;

22. Calls upon the Commission on Human Rights for Bosnia and Herzegovina to intensify its activities concerning alleged or apparent violations of human rights, or alleged or apparent discrimination of any kind;

23. Urges the parties to implement without delay, the results of recent municipal elections, through the Constitution, of councils in all municipalities of Bosnia and Herzegovina;

24. Calls for the continuing implementation by the Republic of Croatia of a new general amnesty law, enacted on 20 September 1996 and intended in part to promote confidence on the part of the local Serb population;

25. Welcomes the signing of cross-border agreements between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Croatia on 14 September 1997 and the easing of border crossing between Bosnia and Herzegovina and the Republic of Croatia;

26. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake a consistent border regime with all neighbouring countries;

27. Strongly urges the Government of the Republic of Croatia to allow the expeditious voluntary return of all refugees, including those from the Federal Republic of Yugoslavia (Serbia and Montenegro), and of displaced persons, and to take all appropriate measures to secure their safety and human rights, to resolve in the framework of the rule of law, in conformity with international standards, the issue of property rights, to make a sustained effort to ensure the provision of equal access to protection and to social and housing reconstruction assistance regardless of ethnicity, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

28. Urgently calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993, including with respect to surrendering persons sought by the International Tribunal, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it, and urges all States to consider providing the Tribunal with legal and technical expertise not available to the organization, as provided for in General Assembly resolution 51/243 of 15 September 1997;

29. Strongly condemns the continuing refusal of the authorities of the Republika Srpska and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to arrest and surrender indicted war criminals known to be present in their territories, as they have agreed to do;

30. Welcomes with satisfaction the measures recently taken by the Government of the Republic of Croatia to facilitate the voluntary return of ten persons indicted by the International Tribunal, in accord with the Peace Agreement, and welcomes in this regard the increased cooperation with the Tribunal by the Republic of Croatia and the central authorities of Bosnia and Herzegovina, which have enacted implementing legislation and have transferred indictees to the Tribunal;

31. Demands that the Government of Bosnia and Herzegovina, in particular the authorities of the Republika Srpska, and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

32. Welcomes the interim reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and commends the Special Rapporteur and the United Nations Human Rights Field Operation in the Former Yugoslavia for their continuing efforts;

33. Urges all parties to implement fully the recommendations of the Special Rapporteur of the Commission on Human Rights;

34. Calls upon the authorities of the States and entities within the mandate of the Special Rapporteur to cooperate with her and to provide her on a regular basis with information about the actions they are taking to implement her recommendations;

35. Welcomes technical cooperation and assistance programmes planned by the Office of the United Nations High Commissioner for Human Rights in consultation with the Government of Croatia, and calls upon the Office of the United Nations High Commissioner for Human Rights to initiate, at the earliest possible opportunity, projects emphasizing human rights training for professionals involved in law enforcement and the rule of law, as well as human rights education;

36. Reaffirms, as recommended previously by the Special Rapporteur, that major reconstruction aid must be made conditional on demonstrated respect for human rights, and emphasizes in that context the necessity of cooperation with the International Tribunal, and welcomes in this regard the conclusions of the meeting of the Steering Board of the Peace Implementation Council and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996 and in Sintra, Portugal, on 30 May 1997;

37. Welcomes the commitments of the international community for post-war reconstruction and development assistance, and encourages the expansion of that assistance, while noting that such assistance should be conditioned on full compliance by the parties with the agreements that have been made;

38. Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the Organization of the Islamic Conference, the European Community Monitoring Mission and the United Nations High Commissioner for Human Rights in monitoring and strengthening respect for human rights and fundamental freedoms in Bosnia and Herzegovina and the region and welcomes the Republic of Croatia's adherence to and firm and formal commitment to abide by the European Convention for the Protection of Human Rights and Fundamental Freedoms and its additional protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Charter of Local Self-Government, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages;

39. Calls for an immediate end to illegal and/or hidden detention by all parties, and requests that the Special Rapporteur investigate allegations of hidden detainees;

40. Calls upon the parties to the Peace Agreement to take immediate steps to determine the identity, the whereabouts and the fate of missing persons, inter alia, near Srebrenica, Žepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the International Commission on Missing Persons in the Former Yugoslavia, other international humanitarian organizations and independent experts, the Special Rapporteur, the Working Group on the process

for tracing persons unaccounted for, chaired by the International Committee of the Red Cross, and the Expert Group on Exhumation and Missing Persons, chaired by the High Representative, and stresses the importance of coordinating work in this area;

41. Encourages all Governments to respond favourably to the appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, the Commission for Real Property Claims of Refugees and Displaced Persons for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the Office of the United Nations High Commissioner for Human Rights and other institutions of reconciliation, democracy and justice in the region;

42. Encourages, inter alia, the Organization for Security and Cooperation in Europe, the Council of Europe, the Organization of the Islamic Conference, the European Community Monitoring Mission, the United Nations High Commissioner for Human Rights and other relevant international organizations to coordinate closely their efforts in the field of human rights, with a view to contributing to the implementation of the present resolution;

43. Decides to continue its examination of this question at its fifty-third session under the item entitled "Human rights questions".

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45. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with human rights situations and reports of special rapporteurs and representatives

The General Assembly takes note of the report of the Secretary-General on rape and abuse of women in the areas of armed conflict in the former Yugoslavia.[91]

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[91] A/52/497.